

438.3061 Tobacco, nicotine, or vapor product license requirement -- Temporary license -- Penalties.

- (1) On or after July 1, 2026, a person, firm, or corporation shall not operate as a retailer selling alternative nicotine products, tobacco products, or authorized nicotine vapor products in or on any premises in the Commonwealth without first obtaining a tobacco, nicotine, or vapor product license issued by the department. The department may issue:
 - (a) A tobacco, nicotine, or vapor product license that may be renewed annually;
 - (b)
 1. A temporary tobacco, nicotine, or vapor product license for use at fairs, festivals, and other similar events.
 2. A temporary license issued under this paragraph shall be valid for no more than thirty (30) days.
 3. The department shall approve or deny every application for a temporary tobacco, nicotine, or vapor product license within fourteen (14) business days; and
 - (c) Any other special or temporary license the department deems necessary.
- (2)
 - (a) Any person who, by himself or herself or through another, directly or indirectly, violates subsection (1) of this section shall be subject to the penalties in KRS 243.990(2).
 - (b) On and after November 1, 2026, the department shall confiscate all alternative nicotine products, tobacco products, or authorized nicotine vapor products from any person, firm, or corporation that violates subsection (1) of this section.

Effective: April 10, 2026

History: Amended 2026 Ky. Acts ch. 3, sec. 3, effective March 13, 2026; and ch. 70, sec. 4, effective April 10, 2026. -- Created 2025 Ky. Acts ch. 78, sec. 4, effective January 1, 2026.

Legislative Research Commission Note (4/10/2026). This statute was amended by 2026 Ky. Acts chs. 3 and 70, which do not appear to be in conflict and have been codified together.

Legislative Research Commission Note (4/10/2026). 2026 Ky. Acts ch. 3, sec. 13, and ch. 70, sec. 18, provide the amendments to this statute in those Acts shall be retroactive to January 1, 2026.